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U.S. Dept. of Labor

Letter from the Secretary
of Labor to the Chairman...

Washington

1924

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U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY

LETTER
FROM
THE SECRETARY OF LABOR
TO THE
CHAIRMAN OF THE COMMITTEE
ON IMMIGRATION AND NATURALIZATION
HOUSE OF REPRESENTATIVES
TRANSMITTING
SUGGESTIONS IN CONNECTION WITH
IMPENDING IMMIGRATION
LEGISLATION



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WASHINGTON
GOVERNMENT PRINTING OFFICE
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256 Jan. 1923
LETTER OF THE SECRETARY OF LABOR TO THE CHAIRMAN
OF THE COMMITTEE ON IMMIGRATION AND NATURALIZA-
TION OF THE HOUSE OF REPRESENTATIVES TRANSMIT-
TING SUGGESTIONS IN CONNECTION WITH PENDING
IMMIGRATION LEGISLATION.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, December 31, 1923.

HON. ALBERT JOHNSON,
*Chairman Committee on Immigration and Naturalization,
House of Representatives.*

DEAR SIR: There is submitted herewith, for the consideration of your committee, a draft of a bill containing certain suggestions deemed material in connection with pending legislation on the subject of immigration.

In the proposed legislation no attempt has been made, nor is it intended, to suggest to the Congress the policy to be pursued in adopting restrictive measures. The proposal as submitted may be readily adapted to any legislation, restrictive or otherwise, that may be agreed upon, as, in the main, it seeks to provide a practicable plan for the administration of the immigration laws. Amendments to the act of February 5, 1917, have been suggested where experience has demonstrated the need for such amendment.

It will be observed at the outset that whatever quota restriction is adopted that restriction will apply to all countries, thus marking a radical departure from existing laws or pending legislation, which eliminate Canada, Mexico, and South and Central America from the operation of the quota limitations.

Another change equally as important from an administrative standpoint is the distribution of the annual quota allotment over the entire period of 12 months. No more immigration certificates than one-twelfth of the annual quota may be issued in any calendar month. Under this provision the quota of any nationality can not be exhausted as at present, but will be continuing throughout the year and the years to follow.

A consular officer is allotted so many immigration certificates for any given month. When these are all issued the immigrant must make application in the following month, and so on throughout the year. When in possession of an immigration certificate the immigrant is at liberty to depart for the United States at any time within a year after the date the certificate is issued without, on the one hand, interrupting steamship schedules, and on the other without congesting the ports of arrival. Unseemly racing for position will be eliminated, as the immigrant's admission is no longer contingent upon

the time of his arrival in the United States, and a more careful examination and inspection at the ports, with less inconvenience to the immigrant, will result.

The selective features of the bill are worked out through the provisions giving preference to certain classes in the issuance of immigration certificates. Having in mind the desirability of reuniting families, it is provided that the husbands, wives, and minor children of alien residents who have declared their intention to become citizens shall have the first preference in the issuance of immigration certificates. Then follows, in the order named, immigrants who served in the military and naval forces of the United States during the World War; ministers of any religious denomination; professors, or members of recognized learned professions; skilled laborers; all other laborers, including domestic servants; and finally all other immigrants.

Thus it will be seen that Congress having once determined the number of immigrants that shall come to the United States in any one year, a method is provided for the proper selection of the best of those applying by requiring, in the first place, that the immigrant seeking admission to this country make application to an American consular officer for an immigration certificate. This application will of necessity set forth the family history and personal record of the alien, and supplemented by such investigation as the consular officer shall make will afford such information concerning the immigrant as will enable the officer to determine whether the applicant is a desirable or an undesirable immigrant. Upon arrival at our ports the immigrant is subjected to the usual inspection and medical examination, and if found to meet the mental, moral, and physical standards required by our immigration laws is admitted; otherwise he is excluded and returned to the country whence he came.

By the means of a special immigration certificate demands for labor of all kinds, skilled and unskilled, including farm labor, are met, and such labor made readily available, regardless of quota limitations and restrictions upon application to the Secretary of Labor, while on the other hand, by the provisions of another section, immigration may be suspended in whole or in part from all or any designated country when unemployment in the United States is so widespread as to justify such action.

It will be observed that the term "nonquota" is nowhere used in the proposed legislation, and that the corresponding provision authorizing the issuance of a special immigration certificate is limited in its application to but two classes, namely, (1) husband, wife, minor child, dependent father or mother of a citizen of the United States, and (2) farmers and skilled or unskilled laborers when labor of like kind unemployed can not be found in the United States. In either case the special immigration certificate can be had only upon application to the Secretary of Labor, and then in the case of laborers only, when a strike or lockout does not exist or impend in the industry seeking to import such labor.

Provision is also made to satisfy the periodical demands for laborers from Canada and Mexico by classing such laborers as nonimmigrant when authorized by the Secretary of Labor to enter the United States for the purpose of laboring at a specified occupation for a definite time at a designated place.

In the cases referred to it is hoped to satisfy the legitimate demands for labor without destroying the restrictive features of any law that may finally be enacted. It is believed that the discretion vested in the Secretary of Labor will be exercised only when that official is satisfied that there is a real and pressing necessity for the particular labor sought. Furthermore, under this authority a most beneficial distribution of immigrants will take place, and the Secretary of Labor will be able in a most helpful way to cooperate with the various States in supplying immigrants to develop resources, establish industries, and bring about colonization.

DEFINITION OF IMMIGRANT.

In the definition of an immigrant it has been sought to except only such classes as are nonimmigrants. Therefore, in addition to the classes commonly understood to be nonimmigrants, such as Government officials, transits, and visitors, exception has been made in favor of aliens lawfully admitted to the United States and returning from a temporary visit abroad; bona fide students, seeking to enter for the purpose of study at an accredited college; bona fide alien seamen seeking to land in pursuit of their calling; aliens who, having resided continuously for at least five years in foreign contiguous territory, are authorized to enter the United States for the purpose of laboring at a specified occupation for a definite time at a designated place; and aliens habitually crossing and recrossing boundary lines between the United States and foreign contiguous territory upon legitimate pursuits.

Nonimmigrants are not required to obtain an immigration certificate and are not subject to the quota limitations and restrictions.

MAINTENANCE OF EXEMPT STATUS.

To insure that a nonimmigrant will maintain the status under which he was permitted to enter the United States and to guarantee his departure within the time specified, the Secretary of Labor is required to promulgate such rules and regulations as will protect the United States, and he may exact a bond with sufficient surety conditioned that such status will be maintained and that the alien will depart within the time mentioned. Alien seamen are not subject to the provisions of this particular section. Provision is made in a following section for the landing and identification of seamen which it is believed will on the one hand prevent the landing of the excluded races and the mentally and physically unfit and on the other prevent the evasion of our laws by those permitted to land temporarily in pursuit of their calling or to reship foreign.

PASSPORTS.

It has been deemed advisable, in view of the provision for the issuance of an immigration certificate, to dispense with passports or other instruments in the nature of passports issued by foreign governments in so far as immigrants are concerned.

IMMIGRATION CERTIFICATES.

Passports or other instruments in the nature of passports issued by foreign governments not being required of immigrants, therefore a visé is no longer necessary, but a consular officer is authorized to issue an immigration certificate when in his opinion the immigrant is admissible to the United States. The immigrant may ascertain the essential fact of his admissibility in advance, and is not, as under the present law, put to the expense of obtaining a passport and visé when not reasonably assured of admission to the United States. The immigration certificate is very properly substituted for the visé and is based on a more thorough knowledge of the immigrant, and, furthermore, is in keeping with the power of the United States to determine in the first instance who shall and who shall not come to this country as an immigrant. The question whether the immigrant must have a passport before being permitted to leave the homeland is one strictly between him and his government.

The immigration certificate is valid for one year after the date of issue, but it is not a guaranty that the immigrant will be admitted to the United States. Upon its surrender at the port of inspection the immigrant is given a certificate of arrival, which may later be used in naturalization proceedings. A fee of \$10 is charged for the issuance of an immigration certificate, because the immigrant is no longer required to pay the visé fee.

APPLICATION FOR IMMIGRATION CERTIFICATE.

The application for an immigration certificate must be in writing and be properly verified. It will be in the form of a questionnaire designed to elicit such information as will enable the American consular officer to determine the admissibility of the applicant. No fee is charged for the issuance or verification of the application.

SPECIAL IMMIGRATION CERTIFICATE.

The special immigration certificate is issued by the consular officer without regard to quota limitations when authorized by the Secretary of Labor. Such authority is granted upon the verified petition of a citizen of the United States after hearing and investigation, and then only in case of the immediate relatives of such citizens, or of farmers and skilled or unskilled laborers, when labor of like kind unemployed can not be found in the United States. The issuance of the certificate is further restricted by the provision with respect to laborers—that it must satisfactorily appear to the Secretary that a strike or lockout does not exist or impend in the particular industry seeking to import such labor. The special immigration certificate is valid for the period therein specified not exceeding six months from the date of issue and is to be surrendered upon arrival in the United States in exchange for a certificate of arrival.

No passport is required of the holder of a special immigration certificate, but a fee of \$10 is charged therefor.

DUTIES OF IMMIGRATION OFFICIALS.

Under the provisions of section 23 of the act of February 5, 1917, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of that act, detail immigration officers for service in foreign countries, and, upon his request, approved by the Secretary, the Secretary of the Treasury may likewise detail medical officers of the United States Public Health Service for the performance of duties in foreign countries in connection with the enforcement of the act.

The legislation proposed requires a consular officer to perform certain duties in connection with its enforcement. Assuming that in the very near future immigration and medical officials will be stationed abroad, the duties conferred upon consular officers are to be performed by the immigration officials when detailed to or stationed in foreign countries under the provisions of the act of February 5, 1917, just referred to. This section is made necessary so far as the Dominion of Canada is concerned for the reason that immigration officials are now stationed in that country for the enforcement of our immigration laws.

NATIONALITY AND PERCENTAGE LIMITATION.

The sections of the proposed bill relating to nationality and percentage limitations are incomplete in that the census year to be considered and the percentage limitations to be employed in arriving at the annual quota for any nationality are left blank. This was not an oversight, but was purposely done to carry out the intention expressed in the beginning, not to suggest to the Congress the policy to be pursued in adopting restrictive measures.

Attention is called to that proviso of section 10 dealing with nationality which requires that the nationality of a wife or minor child shall be determined by the country of birth of the husband or parent as the case may be, if the husband or parent is entitled to an immigration certificate. This provision assigns the nationality to where it properly belongs and will put an end to the hardship and delay resulting from the application of different quota limitations to the members of the same family traveling together.

Subdivision (b) of section 11, in fixing a monthly limit upon the issuance of immigration certificates, provides that in each of the 12 calendar months of any fiscal year no more immigration certificates than one-twelfth of the annual quota shall be issued, and where the annual quota of any nationality is less than 600 the Commissioner General, with the approval of the Secretary, is authorized to determine the number to be issued in any one month. This feature of the bill will establish a continuing quota, lessen to some extent the labor of the consular officers, and enable them to devote the time necessary for a careful investigation of each application. When considered in connection with the provision making an immigration certificate valid for one year, it must be obvious that the continuing monthly quota provided for is for the best interest of all concerned—immigrants, steamships, and officers at the ports of arrival.

UNUSED IMMIGRATION CERTIFICATES.

This section provides in substance that an immigration certificate once issued can not be returned or canceled. When issued it is immediately charged against the quota and that charge stands regardless of the disposition made of the certificate by the immigrant.

EXCLUSION FROM THE UNITED STATES.

It is provided in this section of the proposed legislation that no immigrant shall be admitted to the United States unless he has an unexpired immigration certificate or an unexpired special immigration certificate or was born subsequent to the issuance of such a certificate to the accompanying parent. This provision is made necessary in order to carry out the scheme of selection abroad as herein proposed.

Subdivision (b) of the section under consideration establishes a definite policy and refuses admission to any immigrant who is not eligible to citizenship.

PERMIT TO REENTER THE UNITED STATES.

An alien lawfully admitted to the United States and desiring to make a temporary visit abroad may upon proper application obtain a permit which will entitle him upon his return to be admitted to the United States regardless of quota limitations or restrictions. When in possession of such a permit the alien is classed as a non-immigrant and is not required to obtain an immigration certificate. The permit is valuable from an administrative standpoint because it is documentary evidence of the claim that alien is returning from a temporary stay abroad, and to that extent will lessen fraud and perjury.

It has been deemed proper to charge a fee of \$5 for the issuance of the permit.

SUSPENSION OF IMMIGRATION.

The necessity for this section becomes apparent when it is recalled that but a short time ago millions of men were without employment in the United States, and that, notwithstanding the situation which then existed, thousands of immigrants were permitted to land upon our shores and join the great army of idle workers. In the light of that experience it is submitted that some provision should be made for the suspension of immigration during periods of widespread industrial depression.

CERTIFICATES OF ARRIVAL.

Every immigrant, upon his admission to the United States, is given a certificate of arrival, and this certificate may be subsequently used in naturalization proceedings.

ALIEN SEAMEN.

In drafting the sections regulating the landing of alien seamen, care was taken not to interfere with the operation of the seaman's act, and it is believed that the proposal submitted will so regulate the

landing of such seamen as to prevent to a much greater extent than is now possible evasions and violations of the immigration laws.

Subdivision (a) of section 18 is directed against the excluded races and such other aliens as are excluded by section 3 of the immigration act of 1917, and is intended as a substitute for section 32 of the existing law which is repealed. Under this section an oriental, for instance, is not permitted to land in pursuit of his calling or to reshipe foreign, except under such conditions, including the giving of a bond, as may be prescribed.

Section 19 and its various subdivisions require that a landing card, furnished at the expense of the vessel, be delivered to all alien seamen employed on the vessel who were not shipped or engaged in the United States. This card will contain pertinent information concerning the alien, and is what its name implies—a card authorizing the seaman to land in the United States either in pursuit of his calling or to reshipe foreign when properly indorsed by an immigration officer. No bond is required of the seaman in such cases.

Under this procedure the seaman is entitled to remain in the United States for a period not exceeding 30 days, and when he departs the card must be surrendered to the master of the vessel by which he leaves the United States.

Sections 33 and 34 of the existing law are repealed, except that as to violations of section 34 existing at the time of the taking effect of the proposed act the section is continued in force and effect.

Section 20 of the proposed legislation makes it obligatory upon the vessel to detain all seamen on board until they have been inspected by an immigration official, failure to do which incurs a penalty of \$1,000 for each seaman with respect to whom the failure occurs.

Section 21 changes the existing practice as outlined in section 34 of the act of February 5, 1917, and when a seaman is apprehended because he lands contrary to the provisions of the act, or because he is not in possession of an unexpired landing card, or for being found in the United States more than 30 days after being permitted to land temporarily, he may be deported in accordance with the provisions of section 20 of the act of February 5, 1917. There is no limitation as to time, and it will no longer be necessary to have a board of special inquiry deal with his case.

Section 22 recognizes that in the nature of their calling alien seamen can not always make regular application before a consular officer for an immigration certificate, and provision is therefore made for applications for admission by alien seamen upon arrival in the United States. If after examination and inspection the seaman is regularly admitted, he is chargeable to the quota for the nationality to which he belongs, and the Secretary is required to reduce that quota by one.

PENAL PROVISIONS.

It is believed that the various penal provisions of the proposed legislation will to a considerable extent prevent fraud and evasions and otherwise make possible a satisfactory administration of the law.

AMENDMENTS TO IMMIGRATION ACT OF 1917.

The amendments to the act of February 5, 1917, are found in section 28 of the proposed legislation and are intended in the main to make clear the meaning of such act, and in one or two instances to supply provisions that are necessary and which were obviously overlooked by the framers.

It is proposed to amend the proviso to section 24 by giving the Secretary more latitude in the employment and detail of individuals under that section. Because of the provisions of section 4 of the act of August 5, 1882 (22 Stat. L. 219, 255), the number of employees that may be stationed in the District has been limited by specific appropriation to but two, and, owing to the enormous increase in volume of the work handled by the department even under existing law, it is necessary that this limitation be removed if a high standard of efficiency is to be maintained.

The provisions of the proposed legislation for the importation of all kinds of labor, not only from Canada and Mexico but from trans-Atlantic countries, if enacted into law, will necessitate a greatly increased force of officials and investigators to properly administer that feature alone, and affords an additional reason for favorable action upon the proposed amendment at this time.

The proviso has been further amended by increasing the amount which the Secretary is permitted to withdraw from the appropriation from \$100,000 to \$200,000. This amendment will not result in an increased appropriation, and will not only enable the Secretary to provide for the necessary increase in the forces stationed in Washington but will make it possible to detail immigration officials for service in foreign countries as originally contemplated by section 23 of the act of February 5, 1917.

Permit me to repeat that the effort in the proposed legislation has been to suggest improvements from the administrative point only. I have studiously sought to avoid any suggestions as to the broad policies dealing with the subject of immigration, which, of course, being wholly and exclusively to Congress, and with which an administrative officer has no concern. I, of course, am familiar with the policies of Congress so far as they have been expressed in laws now in force, and am also endeavoring to meet the apparent policy of Congress as expressed by a number of bills introduced during the present session by Members of both Houses, particularly those introduced by members of the Committee on Immigration of both Houses.

After securing the suggestions and advice of many people who handle the administrative work in connection with immigration, and after giving most careful study to the whole subject, I feel that the suggested draft will overcome to a great extent the unexpected hardships that have resulted from some past legislation and will serve greatly to do away with the heartbreaking experiences that have befallen many aliens, and will largely overcome the difficulties met by administrative officers in endeavoring to reconcile conflicts in the law which have developed in the past.

My only purpose in submitting this proposed legislation is to be helpful to the Members of Congress and of your committee. If

there is any other way in which I or any member of my staff can be of assistance to your committee, please feel free to call upon me for that service.

Very sincerely yours,

JAMES J. DAVIS.

A BILL To limit the immigration of aliens into the United States and to provide a system of selection in connection therewith, and for other purposes.

[Proposed by the Secretary of Labor.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Selective immigration act of 1924."

DEFINITION OF IMMIGRANT.

SEC. 2. When used in this act the term "immigrant" includes all aliens departing from any place outside the United States destined for the United States, except (1) a Government official, his family, attendants, servants, and employees; (2) an alien visiting the United States as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) an alien lawfully admitted to the United States to whom a permit has been issued as provided in section 14 and who is returning within the time therein specified from a temporary visit abroad; (6) an alien who is a bona fide student over eighteen years of age seeking to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university particularly designated by him and approved by the Secretary; (7) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter the United States in pursuit of his calling; (8) an alien who has resided continuously for at least five years immediately preceding the time of his application for admission to the United States in foreign contiguous territory and who, upon application to the Secretary, is authorized to enter the United States for the purpose of laboring at a specified occupation for a definite time at a designated place; and (9) aliens habitually crossing and recrossing boundary lines between the United States and foreign contiguous territory upon legitimate pursuits when in possession of an identification card issued by an immigration official pursuant to such regulations as may be prescribed.

MAINTENANCE OF EXEMPT STATUS.

SEC. 3. (a) The admission to the United States of an alien excepted from the class of the immigrants by clause (2), (3), (4), (6), (8), and (9) of section 2, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including when deemed necessary, the giving of bond with sufficient surety in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration

of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

PASSPORT NOT REQUIRED.

SEC. 4. A passport or other instrument in the nature of a passport issued by any foreign government shall not be required of an immigrant (as defined in section 2) for any purpose under the immigration laws.

IMMIGRATION CERTIFICATE.

SEC. 5. (a) A consular officer, when in his opinion an immigrant (as defined in section 2) is admissible to the United States under the immigration laws, shall upon the application of such immigrant issue to him an immigration certificate, which shall be in such form and contain such information concerning such immigrant, including his thumb print, as the Secretary shall by regulations prescribe as necessary to the proper enforcement of the immigration laws and naturalization laws.

(b) The immigrant shall furnish two copies of his photograph to the consular officer, one of which shall be permanently attached by the consular officer to the immigration certificate, and the other of which shall be attached to the certificate in such manner that it can be removed by the immigration officer at the port of inspection and attached to the certificate of arrival.

(c) An immigration certificate shall be valid for one year after the date issued.

(d) The immigrant shall surrender his immigration certificate to the immigration officer at the port of inspection, who shall make such notation thereon and such disposition thereof as shall by regulations be prescribed. Such immigration officer may require to be placed on each immigration certificate the thumb print of the immigrant.

(e) A fee of \$10 shall be charged for the issuance of each immigration certificate.

PREFERENCES.

SEC. 6. In the issuance of immigration certificates preference shall be given in the following order to (1) husband, wife, and unmarried children under eighteen years of age of an alien (a) who has been legally admitted to the United States, (b) has resided in the United States continuously for at least two years immediately preceding the time of the application for an immigration certificate, and (c) has at least one year prior to such time declared his intention in the manner provided by law to become a citizen of the United States; (2) immigrant who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, inclusive, and was not discharged therefrom under dishonorable conditions; (3) ministers of any religious denomination, or professors of a college or seminary, or members of any recognized learned profession when it shall appear that continuously for at least four years prior to the time of the application for admission to the United States the applicant has been engaged in and seeks to enter the United States solely for the purpose of carrying on such vocation; (4) skilled laborers; (5) all other laborers, including domestic servants; and (6) all other immigrants.

APPLICATION FOR IMMIGRATION CERTIFICATE.

SEC. 7. (a) Every immigrant applying for an immigration certificate shall make a verified application therefor in writing, and in such form and containing such information as the Secretary shall, by regulations, prescribe as necessary to the proper enforcement of the immigration laws and naturalization laws.

(b) In the case of an immigrant under sixteen years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(c) No fee shall be charged for the furnishing or verification of an application.

SPECIAL IMMIGRATION CERTIFICATE.

SEC. 8. (a) The Secretary may upon the verified petition of a citizen of the United States authorize and require a consular officer to issue a special immigration certificate to any immigrant otherwise admissible who is (1) the husband, wife, unmarried child under eighteen years of age, dependent father or mother of such citizen, or who is (2) a farmer, a skilled or unskilled laborer, and his wife and unmarried children under eighteen years of age accompanying him, regardless of the quota limitations and restrictions provided for in this act, when it shall satisfactorily appear to the Secretary, after full hearing and investigation, that the facts stated in such petition are true; and where the petition is filed in behalf of a skilled or unskilled laborer that labor of the like kind unemployed can not be found in the United States, and that a strike or lockout does not exist or impend in the particular industry seeking to import such skilled or unskilled labor.

(b) The petition shall be in such form and supported by such evidence, documentary or otherwise, as may by regulations be prescribed, and, in the case of an immigrant who is the husband, wife, unmarried child under eighteen years of age, dependent father or mother of a citizen of the United States, shall have attached thereto a photograph of the immigrant in whose behalf filed. Application for a special immigration certificate may be made in the same petition for more than one individual.

(c) The special immigration certificate shall be in such form and contain such information concerning the immigrant, including his thumb print, as shall by regulations be prescribed, and shall be valid for the period therein specified not exceeding six months after the date of issuance. The immigrant shall furnish two copies of his photograph to the consular officer, one to be permanently attached to the special immigration certificate, the other to be attached to the certificate of arrival by an immigration official at the port of inspection. The special immigration certificate shall be surrendered to the immigration officer at the port of inspection who shall make such notation thereon and such disposition thereof as shall by regulations be prescribed.

(d) A fee of \$10 shall be collected by the consular officer for the issuance of a special immigration certificate.

DUTIES OF IMMIGRATION OFFICIALS.

SEC. 9. The duties imposed upon American consular officers by this act shall be performed by immigration officers whenever detailed to or stationed in foreign countries for such purpose.

NATIONALITY.

SEC. 10. (a) For the purposes of this act, nationality shall be determined by the country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of —: *Provided*, That the nationality of a wife or of a minor child not born in the United States accompanied by the alien husband or parent, respectively, shall be determined by the country of birth of such husband or parent, as the case may be, if such husband or parent is entitled to an immigration certificate.

(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in the United States as determined by the United States census of —; which statement shall be the population basis for the purposes of this act. In case of changes in political boundaries in foreign countries occurring subsequent to — and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of individuals resident in the United States in — who were born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such changes of political boundary. For the purpose of such revision and for the purposes of this act generally, aliens born in the area included in any such new country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

PERCENTAGE LIMITATIONS.

SEC. 11. (a) When used in this act the term "quota" when used in reference to any nationality means —, and in addition thereto — per centum of the number of foreign-born individuals of such nationality resident in the United States as determined by the census of —.

(b) There shall be issued to immigrants of any nationality (1) no more immigration certificates in any fiscal year than the quota for such nationality, and (2) in each of the twelve calendar months of any fiscal year no more immigration certificates than one-twelfth of the quota for such nationality, except that if such quota is less than six hundred the number to be issued in each calendar month shall be prescribed by the commissioner general with the approval of the Secretary, but shall not be in excess of the quota for such nationality, nor less than one-twelfth of the quota.

UNUSED IMMIGRATION CERTIFICATES.

SEC. 12. An immigration certificate, in addition to the number provided in section 11, may not be issued to an immigrant of any nationality even though an immigrant of such nationality having an immigration certificate is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the certificate, or even though an alien of such nationality having an immigration certificate issued to him as an immigrant is found not to be an immigrant.

EXCLUSION FROM UNITED STATES.

SEC. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration certificate or an unexpired special immigration certificate or was born subsequent to the issuance of the unexpired immigration certificate or special immigration certificate of the accompanying parent, (2) is of the nationality specified in such immigration certificate, and (3) is otherwise admissible under the immigration laws.

(b) An immigrant not eligible to citizenship shall not be admitted to the United States.

PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE

SEC. 14. (a) Any alien about to depart temporarily from the United States may make application to the commissioner general for a permit to reenter the United States, stating the length of his intended absence and the reason therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) If the commissioner general finds that the alien has been permanently admitted to the United States and that the application is made in good faith, he shall, with the approval of the Secretary, issue the permit, specifying therein the length of time, not exceeding six months, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed, and shall have permanently attached thereto the photograph of the alien to whom issued.

(c) On good cause shown the validity of the permit may be extended for such period or periods and under such conditions as shall be by regulations prescribed.

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of \$5, which shall be covered into the Treasury as miscellaneous receipts.

(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

SUSPENSION OF IMMIGRATION.

SEC. 15. (a) Whenever the Secretary of Labor and the Secretary of Commerce shall jointly certify that unemployment exists in the continental United States or in any specified territory or insular possession thereof to such an extent as in their opinion immigration thereto should be suspended in whole or in part from all or certain designated foreign countries, the President of the United States shall by proclamation suspend immigration for the time, in the manner and to the extent set forth in such certificate, and during such time immigration certificates shall not be issued to any immigrant who is a national of any country designated in such proclamation, nor shall such immigrant be permitted to enter the continental United States or such specified territory or insular possession thereof.

DEPORTATION.

SEC. 16. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917.

CERTIFICATES OF ARRIVAL.

SEC. 17. Every immigrant at the time of his admission to the United States shall be given a certificate of arrival issued in such form and containing such information concerning the immigrant, including his fingerprints, as shall be prescribed by the Secretary as necessary to the enforcement of the immigration laws and naturalization laws. The certificate shall have permanently attached thereto the photograph of the immigrant provided for in sections 5 and 8. Such certificate of arrival, if it specifies that the immigrant has been permanently admitted to the United States, may, under regulations prescribed by the Secretary, be used by the immigrant in lieu of the certificate required to be filed with his petition for naturalization by the fourth paragraph of the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906.

ALIEN SEAMEN.

SEC. 18. (a) No alien seaman ineligible to citizenship in the United States or excluded from regular admission into the United States under the immigration act of 1917 and employed on board any vessel arriving in the United States from any place outside thereof shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations and conditions, including the giving of bond with sufficient surety, as the Secretary may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

(b) Section 32 of the immigration act of 1917 is repealed.

SEC. 19. (a) Upon the arrival after June 30, 1924, of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the principal immigration officer in charge at the port of arrival, in respect to each alien seaman employed on such vessel who was not shipped or engaged on such vessel at a port of the United States, a landing card in duplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

(b) If the alien seaman after examination is found eligible to citizenship in the United States and entitled to be regularly admitted into the United States under the immigration act of 1917, he shall be permitted to land temporarily in pursuit of his calling, or for the purpose of reshipping on board any other vessel bound to a foreign port or place, and the immigration officer shall thereupon cause a fingerprint of the alien to be placed upon each copy of the landing card, and indorse upon each copy the date and place of arrival, the name of the vessel, and the time not exceeding thirty days during which the landing card shall be valid. Upon the landing of the alien one copy of the landing card shall be delivered to him, and the other transmitted forthwith to the Department of Labor under regulations prescribed under this act.

(c) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

(d) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

(e) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of \$500 for each alien in respect to whom the violation occurs; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(f) Sections 33 and 34 of the immigration act of 1917 are hereby repealed, except as to violations of said section 34 existing at the time of the taking effect of this act; such section is hereby continued in force and effect.

SEC. 20. The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who shall fail or refuse to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman and delivered to him a landing

card, or who shall fail or refuse to detain such seaman on board after such inspection or to deport such alien seaman if required by such immigration officer or the Secretary to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each alien seaman in respect to whom such failure occurs, and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such penalty, or while the penalty remains unpaid, provided that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such penalty.

SEC. 21. Any alien seaman who shall land in a port of the United States contrary to the provisions of this act, or who is not in possession of an unexpired landing card, or who is found in the United States more than thirty days after being permitted to land temporarily in pursuit of his calling, or for the purpose of reshipping on board any other vessel bound to a foreign port or place shall at any time thereafter, upon the warrant of the Secretary, be taken into custody and deported in accordance with section 20 of the immigration act of 1917 at the expense of the owner, charterer, agent, or consignee of the vessel by which such alien was brought to the United States, or if that is not practicable, at the expense of the appropriation for the enforcement of the immigration laws.

SEC. 22. Any bona fide alien seaman eligible to citizenship in the United States, and employed on board any vessel arriving in the United States from any place outside thereof, may make application for regular admission to the United States, and if upon examination and inspection he is found otherwise admissible, he shall be admitted notwithstanding an immigration certificate has not been issued to him. The immigration officer admitting such alien seaman shall issue to him a certificate of arrival as provided in section 17 and shall forthwith notify the Secretary, who shall reduce by one the quota allotted to the nationality to which such seaman belongs.

PREPARATION OF DOCUMENTS.

SEC. 23. Immigration certificates, special immigration certificates, certificates of arrival, and permits issued under section 14, shall be printed on distinctive safety paper, and shall be prepared and issued under regulations prescribed under this act. The list or manifests required by sections 12 and 36 of the immigration act of 1917 shall be furnished at the expense of the owner, agent, consignee, charterer, or master of the vessel, and shall be typewritten or printed on such quality of paper and in such form as shall by regulations be prescribed.

PENALTY FOR ILLEGAL TRANSPORTATION.

SEC. 24. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (1) any immigrant who does not have an unexpired immigration certificate, or (2) any immigrant who does not have an unexpired special immigration certificate.

(b) If it appears to the satisfaction of the Secretary that any immigrant has been so brought, such person, or transportation company,

or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated on his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

(c) Such fine shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence that the individual transported was an immigrant.

OFFENSES IN CONNECTION WITH DOCUMENTS.

SEC. 25. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration certificate, special immigration certificate, certificate of arrival, landing card, or permit, or (2) uses, attempts to use, possess, obtains, accepts, or receives any immigration certificate, special immigration certificate, certificate of arrival, landing card, or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary or other proper officer, knowingly (3) possesses any blank immigration certificate, special immigration certificate, certificate of arrival, or permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of immigration certificates, special immigration certificates, certificates of arrival, landing cards or permits, (5) makes any print, photograph, or impression in the likeness of any immigration certificate, special immigration certificate, certificate of arrival, landing card or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary for the printing of immigration certificates, special immigration certificates, certificates of arrival, landing cards or permits, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(b) Any individual who (1) when applying for an immigration certificate, special immigration certificate, or permit, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, an immigration certificate, special immigration certificate, certificate of arrival, landing card or permit, to any person not authorized by law to receive such document, shall upon conviction thereof be fined not more than \$10,000 or imprisoned for not more than five years, or both.

RULES AND REGULATIONS.

SEC. 26. The commissioner general, with the approval of the Secretary, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be subject to the approval of the Secretary of State.

ACT TO BE IN ADDITION TO IMMIGRATION LAWS.

SEC. 27. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws and shall be enforced as a part of such laws, and all the penal or other provisions of such laws not inapplicable shall apply to and be enforced in connection with the provisions of this act.

AMENDMENTS TO IMMIGRATION ACT OF 1917.

SEC. 28. That the immigration act of 1917 be amended as follows:

(a) Section 1, by inserting after the words "insular possessions" in the second clause of the second sentence of said section the words "or insular territory," so that such clause will read, "but if any alien shall leave the Canal Zone, or any insular possession or insular territory of the United States, and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens."

(b) Section 2, by inserting after the word "territory" in the fourth sentence of said section the following clause: "nor on account of an alien to whom a permit has been issued as provided in section 14 of this act and who is returning within the time therein specified from a temporary visit abroad."

(c) Section 8, by adding at the end of said section the following: "or concealed or harbored, or attempted to be concealed or harbored, and any air or land vehicle, or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture concerned or employed in such violation shall be seized and forfeited to the United States, and on an order duly issued by the court having jurisdiction thereof said air or land vehicle or vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, shall be sold at public auction, the proceeds to be covered into the Treasury and credited to the appropriation 'expenses of regulating immigration'."

(d) Section 9, by adding after the third sentence of said section a new sentence to read as follows: "If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure, indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported," and by striking out the last proviso to said section, and inserting in lieu thereof a proviso reading as follows: "That the provisions of this

section shall not apply to the case of any alien granted admission on appeal or for a temporary period."

(e) Section 17 by inserting next after the word "twenty-one" in the proviso of said section a clause reading as follows: "and the seventh proviso of section three."

(f) Section 19, by inserting after the words "insular possession" in the fourth proviso to said section the words "or insular territory".

(g) Section 24 by inserting, after the words "civil service act" in the first proviso of said section, the following, "or to section 4 of the act of August 5, 1882 (Twenty-second Statutes at Large, page 219, 255)," and by striking out the figures "100,000" wherever they appear in said proviso to said section and inserting in lieu thereof the figures "200,000," so that said proviso will read as follows: "Provided, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers and induced and assisted immigrants, may employ, for such purpose and for detail upon additional service under this act when not so engaged without reference to the provisions of said civil service act, or to section 4 of the act of August 5, 1882 (Twenty-second Statutes at Large, page 219, 255), or to the various acts relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of this act \$200,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Labor certifies that an itemized account would not be for the best interests of the Government."

GENERAL DEFINITIONS.

SEC. 29. (a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands.

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States.

(c) The term "eligible to citizenship," when used in reference to any individual, does not include an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 2 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections.

(d) The terms "immigration certificate" and "special immigration certificate" means a certificate issued by a consular officer under the provisions of this act.

(e) The term "consul officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration certificates or special immigration certificates under this act. In case of the Canal Zone or the insular possessions or insular territory of the United States the term "consular officer" means an immigration official therein stationed, or an officer designated by the President for the purpose of issuing immigration certificates or special immigration certificates under this act.

(f) The term "immigration act of 1917" means the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States."

(g) The term "immigration laws" includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

(h) The term "person" includes individuals, partnerships, corporations, and associations.

(i) The term "Secretary" means the Secretary of Labor.

(j) The term "commissioner general" means the Commissioner General of Immigration.

(k) The term "application for admission" has reference to the time of the application for admission to the United States and not to the time of the application for the issuance of the immigration certificate.

(l) The term "permit" means a permit issued under section 14.

(m) The term "landing card" means a landing card issued under section 19.

(n) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

Sec. 28. Time of taking effect.

(a) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 22, and 24 shall take effect on July 1, 1924.

(b) The remainder of this act shall take effect upon its enactment.

**END OF
TITLE**